

Ozone and Particulate Matter 2.5 Standards

STATEMENT OF ISSUE:

The Clean Air Act, which was last amended in 1990, requires the Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment. The Clean Air Act established two types of national air quality standards. *Primary standards* set limits to protect public health, including the health of "sensitive" populations such as asthmatics, children, and the elderly. *Secondary standards* set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings.

The EPA Office of Air Quality Planning and Standards (OAQPS) has set NAAQS for six principal pollutants, which are called "criteria" pollutants. Ozone and Particulate Matter (PM) 2.5 are listed below.

Ozone (O₃)

1-hour Average	0.12 ppm (235 µg/m ³)	Primary & Secondary
8-hour Average	0.08 ppm (157 µg/m ³)	Primary & Secondary

Particulate (PM 2.5)

Annual Arithmetic Mean	15 µg/m ³	Primary & Secondary
24-hour Average	65 µg/m ³	Primary & Secondary

A 1999 Federal court ruling blocked implementation of all except the one-hour average for ozone. EPA asked the U.S. Supreme Court to reconsider that decision. The Court reversed the decision of the lower court and unanimously upheld the legality of the eight-hour ozone and PM 2.5 standards in a decision issued on February 27, 2001.

BACKGROUND:

When the National Ambient Air Quality Standards (NAAQS) for ozone and particulate matter were revised in 1997, President Clinton directed EPA to review the fine particulate standard by July 2002, to assess current research and evaluate new PM 2.5 monitoring data before pollution control requirements would take effect. EPA is in the midst of the review and several key opportunities to comment occurred in 2000.

The NAAQS review centers around two main documents drafted by EPA that define the status of the science and policy issues, the Criteria Document and the Staff Paper.

EPA set a weak 24-hour standard for PM 2.5 in 1997. The major policy issue is the level and form of the standard and how compliance will be measured. Numerous community health studies show that

EPA Local Government Advisory Committee

Adopted by full Committee: 2/9/01

short-term increases in fine particle pollution worsen respiratory symptoms, exacerbate asthma, and decrease lung function. Particulate pollution is linked to an increased rate of hospital admissions for children and seniors with respiratory problems, and to increased daily mortality. Long-term epidemiological studies show that chronic exposure to PM shortens lives. There are numerous health studies and new monitoring data that show a strong 24-hour standard is needed for fine particles.

American Trucking Association v. Christine Todd Whitman, Administrator of the Environmental Protection Agency [cite omitted] was appealed to the Supreme Court after a Federal court in Washington, DC, ruled that there was no "intelligible principle" guiding the Agency's decision on setting the NAAQS standards. The Supreme Court unanimously upheld the constitutionality of the Clean Air Act as EPA interpreted it in setting the 1997 health-protective NAAQS for ground-level ozone and particulate matter. The Court upheld EPA's long-standing position that the Clean Air Act requires EPA to set these standards based solely on public health considerations without consideration of costs. The Court also acknowledged that it is appropriate for States and EPA to continue to consider costs in implementing the standards. Additionally, the Court confirmed that the Clean Air Act does not bar EPA from implementing the ozone standard. EPA will need to determine how to implement the standard consistent with the Court's opinion.

The U.S. Chamber of Commerce, American Trucking Association, and the National Association of Manufacturers are among the industry groups that challenged the EPA by saying cost should be a factor in setting clean-air standards. Since the inception of the Clean Air Act, protection of public health has been the criterion for setting air quality standards, although the cost to the industries is considered in deciding how to implement the standards and balanced against the cost of illness and death.

RECOMMENDATIONS:

LGAC supports EPA's implementation and enforcement of the NAAQS for ozone and PM 2.5 to protect human health, especially among the most vulnerable populations.